IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 17550 of 1998

Between:

Dr. G. Madhavi D/o G. Nagi Reddy,
K.S.R.M. College of Engineering, Cuddapah. R/o. 6/721,

Sankarapuram, Cuddapah.

... PETITIONER

AND

1 The Chairman, K.S.R.M. College of Engineering,
Cuddapah 516003.
2 The Principal, K.S.R.M. College of Engineering
Cuddapah 516003.
3 The Commissioner and Director of Technical Education,
B.R.K. Complex, Secretariat Road, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate, Writ, Order or direction; especially in the nature of a Writ of Mandamus directing the Respondents herein to give effect to the proceedings of the 3rd Respondent herein viz. the Commissioner of Technical Education, Government of Andhra Pradesh, Hyderabad in Proc.Memo.No.E4/555/97 dated 10-5-1998 and consequentially direct the Respondents herein to admit the petitioner as Lecturer in Chemistry in K.S.R.M. College of Engineering Cuddapah and accord all consequential and attendant benefits as regards arrears of pay, seniority and such other benefits as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.Y.VENKAT SASTRY Counsel for the Respondent No.1: MR.N.HARISESHA REDDY Counsel for the Respondent No.2: MR.A.HANUMANTHA REDDY Counsel for the Respondent No.3: (NOTICE NOT YET RETURNED)

The Court made the following :

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ORAL ORDER:

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This writ petition is filed seeking a mandamus directing the respondents to implement the proceedings Memo No.E4/555/97, dated 10.05.1998, issued by the third respondent-Commissioner and Director of Technical Education, Government of Andhra Pradesh, Hyderabad.

The petitioner obtained Post Graduation degree in Chemistry from Sri Venkateswara University, Tirupati, in the year 1990. She also completed two years of research in her Doctoral Course by 12.10.1992, and on submitting her thesis on 24.10.1993, she was awarded the Degree of Doctor of Philosophy in Chemistry. Thereafter, she was appointed as Assistant Lecturer in Chemistry in respondents college with effect from 4.12.1992 and worked as such upto 18.06.1993, and thereafter she also worked as adhoc lecturer from 29.12.1993 to 23.02.1994. While so, when a regular vacancy of Lecturer in Chemistry arose, applications were invited by the respondents college for the said post. The petitioner applied for the said post and appeared for the interview. By the proceedings of the second respondent dated 20.10.1994, the petitioner was appointed as temporary lecturer in Chemistry. In fact, even before the said appointment, the petitioner was asked to join as lecturer and accordingly she joined as lecturer on 26.09.1994, and worked continuously for a period of one year and eight months. While so, on 30.05.1996, the second respondent issued a notice to the petitioner and others informing that there were certain allegations against them, and asked them to approach the first respondent, obtain a clearance certificate and then report to duty. However, the petitioner worked upto 14.06.1996, and thereafter, her services were terminated. Aggrieved by the same, she filed an appeal before the 3rd respondent-Commissioner of Technical Education, who issued the proceedings dated 20.03.1998, directing the Secretary and Correspondent, KSMR College of Engineering to permit the petitioner to work as lecturer in Chemistry with immediate effect, since the resolution passed by the governing body of the college does not specify any valid reasons for terminating the services of the petitioner. According to the petitioner, even the said orders were not implemented, and after

making efforts and on issuing further orders by the 3rd respondent-Commissioner of Technical Education, she was permitted to join duty on 20.11.1998 as lecturer in Chemistry.

As seen from the above, the cause in the writ petition does not survive for adjudication. However, the learned counsel for the petitioner states that since the Commissioner of Technical Education held that there was no valid reason furnished by the management in resolving to terminate the services of the petitioner, it must be deemed that on her reinstatement she is also entitled for all the wages right from 14.06.1996 till 19.11.1998. Of course, after the writ petition was admitted, she was permitted to join duty making the writ petition infructuous. Learned counsel for the petitioner further states that in view of the orders passed by the 3rd respondent, she is also entitled for the wages from 14.06.1996 to 19.11.1998. I am afraid, I cannot agree with the submissions made by the learned counsel for the petitioner. The writ petition was filed only with a limited prayer to direct the respondents to implement the orders of the Commissioner of Technical Education, which was ultimately done on 20.11.1998, making the writ petition infructuous.

Insofar as payment of wages from 14.06.1996 to 19.11.1998 is concerned, according to the petitioner, she made several representations for release of wages, but the same were not considered. At this stage, it is difficult to go into the said question. Though the petitioner filed WPMP No.15618 of 1999, seeking refixation of her pay, release of increments and also release of arrears of salary for the said period by treating her service as continuous, this Court cannot pass such an order. Therefore, without expressing any opinion on this aspect, the only order that can be passed is that the respondents are directed to treat the affidavit of the petitioner filed in the above WPMP as a representation, consider the same and pass appropriate orders as per law, within a period of three months from the date of receipt of a copy of this order.

The writ petition is dismissed with the above observation.

5th November, 2004.

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To

1. The Commissioner and Director of Technical Education,
   B.R.K. Complex, Secretariat Road, Hyderabad.

2. Two C.Ds.